

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:22-CV-145-D

TIMOTHY BEST,

Plaintiff,

v.

TOWN OF AYDEN, and
AYDEN POLICE DEPARTMENT,

Defendants.

ORDER

On November 29, 2022, plaintiff, appearing pro se, filed a motion to proceed in forma pauperis [D.E. 1]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to Magistrate Judge Robert B. Jones, Jr. for a memorandum and recommendation on the plaintiff's motion to proceed in forma pauperis and for a frivolity review [D.E. 4]. On January 12, 2023, Magistrate Judge Jones granted plaintiff's motion to proceed in forma pauperis, issued a Memorandum and Recommendation ("M&R"), and recommended that the complaint be dismissed as frivolous for failure to state a claim upon which relief can be granted. See [D.E. 5]. On January 17, 2023, plaintiff objected to the M&R [D.E. 6].

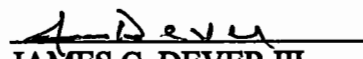
"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation

omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). “In order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. The complaint is frivolous, and plaintiff’s objections are overruled.

In sum, plaintiff’s objections to the M&R [D.E. 6] are OVERRULED and the court DISMISSES plaintiff’s complaint as frivolous for failure to state a claim upon which relief can be granted. The clerk shall close the case.

SO ORDERED. This 20 day of January, 2023.


JAMES C. DEVER III
United States District Judge